



## How to Prepare an Appeal Bundle for the Court of Appeal

This leaflet explains what you need to do in order to comply with Part 52 of the Civil Procedure Rules and the Practice Direction which supplements that Part.

### Why must I prepare an appeal bundle?

To help the Judge to understand what your case is about. You must put your documents together in a standard way so that the judge can find what he needs quickly and easily.

### What do I have to do?

You will have to provide one bundle when you file your appellant's notice. You will need to make one copy for yourself. If permission is not required or if permission has been granted you will need to provide further copies for the Court and the other side. You will be provided with further information in this case.

Each bundle must be exactly the same so that everyone in court is looking at identical bundles.

**As soon as you have decided you want to appeal, you must immediately take steps to obtain the judgement of the decision you are appealing. (See page 3, How do I get a copy of the judgement? and page 5, How do I order transcripts?)**

### How do I prepare an appeal bundle?

The following rules must be followed in every case. These rules and requirements are important. If your bundle does not comply with them, it will delay the progress of your case and may lead to your appellant's notice being dismissed for your failure to comply.

Put **copies** of the following documents into the bundle **in the same order** as they are listed below. Do not use originals.

- a) a sealed copy of the appellant's notice and individual grounds of appeal
- b) the skeleton argument you intend to rely on unless it is already included in your appellant's notice (see page 6 for guidance)

- c) a sealed copy of the order or Tribunal determination being appealed. If you have not received it, file it as soon as you receive it
- d) any order giving or refusing permission to appeal, together with a copy of the form recording the judge's reasons for allowing or refusing permission to appeal
- e) a copy of any order allocating the case to a track (Small Claims track, Fast track or Multi-track)
- f) any witness statement or affidavit that supports any application included in your appellant's notice
- g) a 'transcript of judgment' which sets out the full reasons for the Judge's decision (see pages 3 and 5 for guidance)
- h) where permission to appeal has been given or permission is not required; those parts of any transcript of evidence (for example, the evidence of the main witness who gave evidence at the trial) which are **directly** relevant to any question at issue on the appeal (see page 4)
- i) the claim form and statements of case (where they are relevant to the subject of the appeal)
- j) any application notice (or case management documentation) which is relevant to the subject of the appeal
- k) in cases where the decision you want to appeal was itself made on appeal (e.g. from district judge to Circuit Judge), the first order, transcript of judgment and the appellant's notice used to appeal from that order
- l) in the case of judicial review or a statutory appeal, the original decision which was the subject of the application to the lower court. (The 'lower court' is the court which made the decision you want to appeal: for example, the Administrative Court in a judicial review case.)
- m) in cases where the appeal is from a Tribunal, a copy of the original decision which was the subject of the appeal to the Tribunal; a copy of the First Tier Tribunal's determination, a copy of the notice seeking to appeal that decision and a copy of the grant of permission to appeal to the next level of Tribunal (if applicable)
- n) any other documents which are **necessary** to enable the Court to reach its decision (for example affidavits, witness statements, summaries, experts' reports and exhibits where they are **directly** relevant to the subject matter of the appeal)
- o) such other documents as the court may direct.

Where you are unable to file all the necessary documents, you must say which documents have not been included and why they are not currently available. You must provide an estimate of when the missing document(s) can be filed and file them as soon as you are able so to do.

## How do I know what documents to include?

You must put into the bundle **only** the documents which are in the list above, **not** any others.

You must **ONLY** include documents which are **relevant** to the appeal or application. All documents that do not relate to the issues to be considered must be excluded.

You must **ONLY** put in the bundle documents which were before the court, or tribunal, that made the decision you want to appeal.

You must include all the documents or evidence which could have an effect on the appeal ('relevant evidence'). That does **not** mean just the evidence which you put in or which is in your favour. You also have to put in the bundle relevant evidence which the other side put in, and relevant evidence which does not support your case. (Transcripts of the evidence are not needed at the permission to appeal stage: see page 2, clause (h) and page 4.)

Documents in the bundle should not be marked or written on. The documents must look exactly the same as the ones which the judge in the lower court had. If you wish to comment on any document you should do so separately.

## Format of appeal bundles

There are special rules about the format of an appeal bundle. See Annex 1 at the end of this leaflet.

## How do I get a copy of the judgment?

As soon as you have decided you want to appeal, you must **immediately** take steps to obtain the judgment of the decision you are appealing.

The 'judgment' is the document which sets out the full reasons which the Judge gave for his/her decision. It is not the order which just states the result of the decision e.g. the claim is dismissed. The Lord Justice (the Judge in the Court of Appeal) needs to see the judgment so he can understand the reasons why the Judge reached his decision.

How you get copies of the judgment depends on whether or not the judgment was given verbally in court and tape-recorded, or a written judgment was handed down (see below).

If you are not sure whether the judgment was recorded, ask the appropriate court office. There is a list on page 5 telling you which office to contact.

## Written Judgments

If judgment is not given verbally in court the judge will usually list the matter at a later date to hand down the judgment. At this hearing the judge, gives each party a typed copy of the judgment – a 'written judgment'. Tribunals often provide the parties with decisions in writing and these are sent to the parties. These documents are provided free.

If the Judge gave a written judgment you should include a copy of that document in the bundle.

## Judgment given orally in Court

You must provide an official typed text of any judgment given orally in court and recorded (a 'transcript of judgment'). The transcript will have to be produced by a firm which specialise in that work ('transcriber') and approved by the judge.

For details of how to order a transcript of judgment see page 5. You will usually have to pay the transcriber a fee for the transcript. They will be able to advise you of the cost. In certain circumstances, where you can provide cogent proof that you cannot afford the cost, you can make an application to the court for the transcript to be provided to you at public expense. Ask your case manager in the Civil Appeals Office for the relevant form.

You must keep a copy of the transcript for yourself, e.g. to use at the hearing.

## What do I do if the judgment was not given in writing and was not recorded?

Where the judgment was not given in writing and was not officially recorded, it is the duty of any lawyers who were acting in the case to take written notes of the judgment. In such a case, you will need to obtain a typed note of judgment from one of those lawyers.

If you were represented at that hearing ask your own lawyer first but, if you were not legally represented, ask the other side's lawyer if they attended.

If you have already been granted permission to appeal or you do not need permission, the lawyer will have to agree the note with the other side's lawyer and then have it approved by the Judge.

Neither your lawyer, nor the other side's lawyer, is entitled to charge any fee for providing or agreeing a note of judgment.

Tell the Civil Appeals Office **immediately** if you experience any difficulties or delays in obtaining either a transcript or a note of judgment.

## What about a record of the evidence?

Transcripts or notes of evidence are not generally needed for the purpose of determining an application for permission to appeal or for most appeals. Ask your case manager in the Civil Appeals Office if you need guidance (e.g. because the Lord Justice asked for transcripts of evidence when he granted permission to appeal). The case manager's name and contact details are on correspondence addressed to you from the Civil Appeals Office.

## How do I order transcripts?

Contact the appropriate court office **immediately** (see the list below) and they will let you know what you have to do to order an official copy of the transcript.

You will have to order and pay for one copy of the transcript of judgment (and a transcript of evidence, where necessary).

When you have ordered and paid for the transcript, the transcribers will send it to you to put with your bundle. You should send a copy of the transcript to the Civil Appeals Office as soon as you receive it and it will be placed with your bundle. You must keep a copy for your own use.

## Which office do I contact about transcripts?

The appropriate office to contact about transcripts is:

<b>High Court cases heard at the Royal Courts of Justice in London (other than cases in the Administrative Court)</b>	<p>The Court's Recording &amp; Transcription Unit          Royal Courts of Justice          Strand          London WC2A 2LL          Phone: 020 7947 7820          Email: rcj.cratu@hmcts.gsi.gov.uk</p>
<b>High Court cases heard anywhere else</b>	<p>The office of the court at which your case was heard</p>
<b>Cases in the Administrative Court</b>	<p>The official transcriber for the Administrative Court are:          DTI Global          165 Fleet Street          London EC4A 2DY          Fax: 020 7422 6138          Email: rcj@dtiglobal.eu          To obtain a transcript you must          i) make the request in writing;          ii) pay for the transcript in advance;          iii) send a copy of the Administrative Court bundle to DTI Global          Phone enquiries: 020 7404 1400</p>
<b>Judicial Review in the Upper Tribunal Immigration and Asylum Tribunal (UTIAC)</b>	<p>The official transcribers for the UTIAC are:          UBIQUS          Fax: 020 7405 9884          Email: legal@ubiquis.com          To obtain a transcript you must:          i) Complete a transcript request form which you can obtain from UBIQUS or UTIAC          ii) Pay for the transcript in advance          Phone enquiries: 020 7759 2695</p>

<b>Employment Appeal Tribunal cases</b>	<p>The Employment Appeal Tribunal Second Floor Fleetbank House 2-6 Salisbury Square London EC4Y 8JX Email: <a href="mailto:londoneat@hmcts.gsi.gov.uk">londoneat@hmcts.gsi.gov.uk</a></p> <p>EAT Judgments are provided free of charge but must be requested within 14 days of the seal date of the order being appealed.</p> <p>Phone: 020 7273 1041</p>
<b>Other Tribunals</b>	The office of the Tribunal where your case was heard.
<b>County Court cases</b>	The office of the County Court which dealt with your case

## Preparation of a skeleton argument

The purpose of a skeleton argument is to assist the court by setting out as concisely as practicable the arguments upon which you intend to rely. A skeleton argument assists both you and the court in understanding the basis for your case.

If you are unable to file the skeleton argument with your appellant's notice you should apply as soon as possible to the Civil Appeals Office for an extension of time, with reasons (see page 8 for the address of the Civil Appeals Office).

A skeleton argument must:

- a) Be concise (it should not normally exceed 25 pages excluding front and back sheets)
- b) Both define and confine the areas of controversy (i.e. clearly explain the areas where you consider that the decision of the court or tribunal below was wrong or unjust)
- c) Be set out in numbered paragraphs
- d) Be cross-referenced to any relevant document in the bundle
- e) Be self-contained and not incorporate by reference, material from previous skeleton arguments
- f) Not include extensive quotations from documents or authorities
- g) Be printed on A4 paper in not less than 12 point font and 1.5 line spacing

All documents which are relied upon must be clearly identified.

You should consider what other information the court will need. This may include a list of persons who feature in the case or glossaries of technical terms or a chronology of relevant events.

Where you have filed a skeleton argument in support of an application for permission to appeal, the same skeleton argument may be relied on in the appeal or you may file an appeal skeleton argument.

## **What do I do when I have finished?**

If you are applying for permission to appeal, you must file one copy of your bundle within 14 days of filing your appellant's notice. **Make sure you keep a copy for yourself.** If you need further time, you must apply to the Civil Appeals Office, **before** the time limit expires, for an extension of time, with reasons.

The address for filing documents with the Civil Appeals Office is:

Civil Appeals Office Registry  
Room E307  
3rd Floor East Block  
Royal Courts of Justice  
Strand, London  
WC2A 2LL

The Office is open Monday to Friday, 10.00am to 4.30pm.

If permission to appeal is granted by the Court of Appeal, you will be given instructions about the documents which have to be added to your appeal bundle.

## **Adding documents to a bundle already filed**

If a new document is introduced into bundles which have already been delivered to the court, the document should identify the Court of Appeal reference number, the relevant bundle and page number so that it can be added to the bundle in the appropriate place. It should not be stapled and it should be prepared with punch holes for immediate inclusion in the binders in use. A revised index should be provided at the same time.

If it is expected that a large number of miscellaneous new documents will from time to time be introduced, there should be a special tabbed empty loose-leaf file for that purpose. An index should be produced for this file, updated as necessary.



# Annex 1

## Pagination

Bundles must be paginated, each page being numbered individually and consecutively.

Page numbers should be inserted in bold figures at the bottom of the page and in a form that can be clearly distinguished from any other pagination on the document.

## Index

An index must be included at the front of the bundle listing all the documents and providing the page references for each of them. Every document should be identified briefly but accurately.

Where the appeal bundle consists of more than one file, an index to all the files should be included in the first file and an index included for each file. The full name of the case should not be inserted on the index if this would waste space.

There is a diagram at the back of this leaflet which shows how the pages should be numbered and what the index should be like (see Annex 2).

## Chronological order

All the documents in the bundle should be in chronological order.

## Binding

All documents, with the exception of transcripts, must be bound together. This may be in a lever arch file or ring binder. Plastic sleeves containing loose documents must not be used. Binders and files must be strong enough to withstand heavy use.

The size of any bundle should match its contents. A large lever arch file should not be used for just a few pages. No file whatever its size should be overloaded.

Large documents such as plans should be placed in an easily accessible file. Large documents which will need to be opened up frequently should be inserted in a file larger than A4 size.

The only documents which do not have to be fixed into the bundle are official transcripts or your skeleton argument if you are not able to file it with your appellant's notice.

## Format and presentation

Where possible the documents should be on A4 size paper (like this leaflet). Where a document has to be read across rather than down the page, it should be so placed in the bundle as to ensure that the text starts nearest the spine.

The copies of the documents in the bundle should be single-sided, not backed or double-sided copies.

No more than one copy of any document should be included unless there is a good reason.

Where any marking or writing in colour on a document is important, the document must be copied in colour or marked up correctly in colour.

Documents which are not easily legible should be transcribed and the transcription marked and placed next to the document transcribed.

Documents in a foreign language should be translated and the translation marked and placed next to the document translated. The translation should be agreed or, if it cannot be agreed, each party's proposed translation should be included.

Different sections of the file may be separated dividers so long as these are clearly indexed.

All staples, heavy metal clips etc, must be removed.

## **Bundle Labels**

Every bundle must be clearly identified, on the spine and on the front cover, with the name of the case and the Court of Appeal's reference. Where the bundle consists of more than one file, each file must be numbered on the spine, the front cover and the inside of the front cover.

Outer labels should use large lettering e.g. 'Appeal Bundle A'. The full title of the appeal should be omitted. A label should be used on the front as well as on the spine.

## **Sanctions for non-compliance**

If an appellant fails to comply with the requirements as to the provision of bundles of documents, without good reason, the application or appeal will be at risk of being dismissed for failure to so comply.

Annex 2  
Specimen Index

Court of Appeal Ref \_\_\_\_\_

Jones v. Smith  
INDEX

Document	Pages
Sealed Appellant’s Notice and grounds of appeal	1-8
Skeleton Argument	9-10
Sealed order dated _____	11-12
Order granting/refusing permission to appeal (and Form N460 giving reasons)	13-15
Witness Statement in support of application for a stay of execution	16-25
Transcript of judgment	26-35
Claim Form	36-48
Application Notice	49-52
1st Witness Statement/Affidavit of Defendant	53-64
2nd Witness Statement/Affidavit of Claimant	65-68
Witness Statement of Claimant	69-72
Witness Statement of Defendant	73-75
Etc.	

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2

3

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Continue numbering each page in order through to end